

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 1/9/2024

MARISOL CRUZ,

Plaintiff,

-against-

NEW YORK CITY TRANSIT, et al,

Defendants.

24-CV-0089 (AT)

**ORDER OF SERVICE**

ANALISA TORRES, United States District Judge:

Plaintiff brings this action *pro se*. She asserts claims under Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e to 2000e-17; the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12112-12117; the New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297; and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 to 131. She alleges that her employer discriminated against her based on her religion and disability. By order dated January 8, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP).

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants New York City Transit Authority – MTA, Martense Avitus, Afiya Garcia-Austin, Tanya Forrester, Sandra Flowers, Deborah Felice, Sade Kronagay, and R. Wallace through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for each Defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses issue, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### CONCLUSION

The Clerk of Court is directed to mail an information package to Plaintiff.

The Clerk of Court is further instructed to issue summonses for all defendants, complete the USM-285 forms with the addresses for defendants, and deliver to the U.S. Marshals Service all documents necessary to effect service.

Plaintiff may consent to accept service of documents for this case by email, instead of paper copies, by completing the attached form, [Consent to Electronic Service](#).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 9, 2024  
New York, New York



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ANALISA TORRES  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. New York City Transit Authority – MTA  
130 Livingston Street, 12th Floor  
Brooklyn, NY 11201
2. Martense Avitus  
New York City Transit Authority – MTA  
130 Livingston Street, 12th Floor  
Brooklyn, NY 11201
3. Afiya Garcia-Austin  
New York City Transit Authority – MTA  
130 Livingston Street, 12th Floor  
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4. Tanya Forrester  
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5. Sandra Flowers  
New York City Transit Authority – MTA  
130 Livingston Street, 12th Floor  
Brooklyn, NY 11201
6. Deborah Felice  
New York City Transit Authority – MTA  
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7. Sade Kronagay  
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8. R. Wallace  
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